IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Crl.MC.No. 2375 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.1115/2007
CRIME NO.19/07 OF CHITTAR POLICE STATION

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PETITIONER: ACCUSED NO.1 AND 2

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1. AJIKUMAR, S/O KUNJU PILLAI,
PALAPPALLIL HOUSE, CHERUKUTHUM MANNU,
VYATTUPUZHA P.O., CHITTAR.

2. LALU, S/O KUNJU PILLAI,
PALAPPALLIL HOUSE, CHERUKUTHUM MANNU,
VYATTUPUZHA P.O., CHITTAR.

BY ADV. SRI.V.V.RAJA
SRI.M.T.SURESHKUMAR

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY P.P. SRI.M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. NO. 2375 OF 2007

Dated this the 25th day of July, 2007

ORDER

The petitioners had come to this Court with an application for anticipatory bail. Another Bench of this Court granted them anticipatory bail subject to conditions. The petitioners were directed to seek regular bail within a period of one month after surrendering before the learned Magistrate. The condition was imposed that the petitioner must report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. According to the petitioners, they had appeared before the learned Magistrate, as directed, within a period of one month. The learned Magistrate had granted regular bail also. When regular bail was granted, no condition whatsoever was imposed by the learned Magistrate, submits the learned counsel for the petitioners.

3. Why then have the petitioners come to this Court now? The learned counsel for the petitioners submits that in view of the condition imposed in the order granting anticipatory bail, police is insisting that the petitioners must continue to comply with Condition No.1. Nothing tangible is produced before me to show that the police does so insist. If they do so insist, it is absolutely unjustified. If the petitioners had surrendered before the learned Magistrate, as directed in the order of anticipatory bail, thereafter, it is the condition of regular bail that will bind the petitioners. Thereafter, the conditions imposed in the order of anticipatory bail (which lapses after the period of one month) will certainly not control or bind the petitioners. If regular bail is not obtained within the period of one month as specified in the order granting anticipatory bail, thereafter the petitioners expose themselves to the risk of being arrested by the police. In any view of the matter, the petitioners are now liable to comply only with the conditions, if any, imposed by the learned Magistrate while granting regular bail. If any such conditions are there, whether independently imposed by the learned

Magistrate or if the conditions of anticipatory bail are re-imposed, certainly the petitioner shall be liable to comply with such conditions.

4. With the above observations, this Crl.M.C. is dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge